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BURNS & MCDONNELL ENGINEERING)	
COMPANY, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-01100-STA-egb
)	
NDE GLOBAL TECHNICAL SERVICES)	
GmbH and NDE TECHNICAL SERVICES,)	
USA, INC.,)	
)	
Defendants.)	
)	

Consistent with the Court's ruling at the status conference, Defendant's Motion to Compel is **GRANTED** as to the 35 or 36 documents and the attachments thereto¹ listed on Plaintiff Burns & McDonnell Engineering Company, Inc.'s revised privilege log (ECF No. 112) and withheld from

¹ Plaintiff's response and sur-reply to the Motion to Compel refer to 35 documents that fall in this category; Defendant's reply brief mentions 36. It was not clear from the discussion during the status conference what the precise number is. The parties agreed to confer about the specific number following the status conference.

production on the basis of the work product protection. Plaintiff has adduced no evidence to establish that the documents were prepared in anticipation of litigation. *See Biegas v. Quickway Carriers, Inc.*, 573 F.3d 365, 381-82 (6th Cir. 2009) (“Quickway did not come forward with any affidavits or similar proof demonstrating that Dailey’s statement was prepared in anticipation of litigation, much less the kind of ‘specific and detailed’ evidentiary material that would be sufficient to meet this burden.”) (citing *United States v. Roxworthy*, 457 F.3d 590, 597 (6th Cir. 2006)). Therefore, Plaintiff is ordered to produce the documents immediately so that Defendant will receive them no later than the close of business on Monday, April 23, 2018. The Court reserves its ruling on the remaining issues presented in the Motion to Compel as well as Defendant’s separate Motion for Extension of Time to Complete Discovery (ECF No. 122), pending the outcome of mediation.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: April 19, 2018